

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DAVID E. NEWTON,**

**Plaintiff**

**v.**

**WISE ALLOYS, LLC.,**

**Defendant**

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**CIVIL ACTION NO. 2:04-CV-1093-PWG**

**FINAL JUDGMENT**

On February 13, 2006 the Magistrate Judge's Findings and Recommendation was filed. No objections have been filed by either Plaintiff or Defendant pursuant to Rule 72(b) of the Federal Rules of Civil Procedure.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation, the court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendations are **ACCEPTED**. It is **ORDERED**, **ADJUDGED** and **DECREED** that Defendant Wise Alloys, LLC's motion for summary judgment (Doc. #9) is **GRANTED** and **JUDGMENT ENTERED** in favor of Wise Alloys, LLC, pursuant to Rule 58 of the Federal Rules of Civil Procedure. The Clerk is **DIRECTED** to close this action.

**DONE** and **ORDERED** this 6th day of March, 2006.



**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE